

Message

---

**From:** Vazquez, Julio [Vazquez.Julio@epa.gov]  
**Sent:** 6/21/2016 8:10:12 PM  
**To:** Maddox, Doug [Maddox.Doug@epa.gov]; Shuster, Kenneth [Shuster.Kenneth@epa.gov]; Craig, Harry [Craig.Harry@epa.gov]; Hendrickson, Charles [hendrickson.charles@epa.gov]  
**Subject:** FW: Classification technology

FYI. Below is NY State response to Mr. Battaglia's write-up.

Julio F Vazquez  
Remedial Project Manager  
USEPA Region 2  
Special Projects Branch  
New York

-----Original Message-----

From: Swartwout, John (DEC) [mailto:john.swartwout@dec.ny.gov]  
Sent: Monday, June 20, 2016 2:18 PM  
To: Battaglia, Randy W NAN02 <Randy.W.Battaglia@usace.army.mil>; Vazquez, Julio <Vazquez.Julio@epa.gov>  
Cc: Sweet, Melissa L (DEC) <melissa.sweet@dec.ny.gov>; Sergott, Mark S (HEALTH) <mark.sergott@health.ny.gov>; Doss, Amy L HNC <Amy.L.Doss@usace.army.mil>; Badik, Beth <Beth.Badik@parsons.com>; Pocze, Doug <Pocze.Doug@epa.gov>; Roos, Allen D NAN02 <Allen.D.Roos@usace.army.mil>; Briggs, James E CIV USARMY HQDA ACSIM (US) <james.e.briggs2.civ@mail.mil>; Evans, Daniel (DEC) <daniel.evans@dec.ny.gov>  
Subject: RE: Classification technology

This is in response to Randy Battaglia's request that NYSDEC weigh in on this discussion.

As early as 1996, NYSDEC elected to handle closure of most RCRA units at Seneca Army Depot under CERCLA with any necessary RCRA Closure requirements included in the Record of Decision. In November 2004 RCRA program staff in NYSDEC confirmed to Region 2 RCRA program staff that the Subpart X Open Burning Grounds and Open Detonation Grounds had been transferred to and had been accepted by the CERCLA program within NYSDEC. This transfer of responsibility is documented in RCRAinfo.

The Record of Decision issued by the Army and USEPA in January 2005 for another RCRA unit which was also managed under CERCLA, the Active Deactivation Furnace (SEAD-17), included removal of the most highly contaminated soil based on risk-derived cleanup standards, restrictions on future land use and groundwater use, and development of a RCRA post-closure care plan during the design phase.

NYSDEC believes that evaluating alternatives and selecting a remedy under the CERCLA process is appropriate and protective for SEAD-45 and that there is no need to limit the alternatives that may be considered. Should an alternative be selected which leaves some contamination in place, as was done at SEAD-17, we would expect the remedy to include institutional controls and a RCRA post-closure care plan as was done with SEAD-17.

John

John B. Swartwout, P.E.  
Chief, Section C  
Remedial Bureau A  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, NY 12233-7015  
(518)402-9620  
john.swartwout@dec.ny.gov

-----Original Message-----

From: Battaglia, Randy W NAN02 [mailto:Randy.W.Battaglia@usace.army.mil]  
Sent: Tuesday, June 14, 2016 11:39 AM  
To: Vazquez, Julio <Vazquez.Julio@epa.gov>  
Cc: Sweet, Melissa L (DEC) <melissa.sweet@dec.ny.gov>; Swartwout, John (DEC) <john.swartwout@dec.ny.gov>; Sergott, Mark S (HEALTH) <mark.sergott@health.ny.gov>; Doss, Amy L HNC <Amy.L.Doss@usace.army.mil>; Badik, Beth <Beth.Badik@parsons.com>; Pocze, Doug <Pocze.Doug@epa.gov>; Roos, Allen D NAN02 <Allen.D.Roos@usace.army.mil>; Briggs, James E CIV USARMY HQDA ACSIM (US) <james.e.briggs2.civ@mail.mil>  
Subject: RE: Classification technology

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Julio,

On Communication-

After about 20 years of you being the RPM for Seneca, let's be completely frank--communication and teamwork are challenging when it appears to me that everything is "your way or no way" and you get angry when anyone disagrees. It is just your personality type. EPA, DEC and the Army addressed LDRs for Seneca sites, long before you were the RPM. I knew the answer but I didn't think you would listen to my answer and would get angry. Don't get me wrong, you are a good person, a professional, and very intelligent.

The use of Classification technology is another good example. I apologize, but I have to understand and agree with a technology before I can agree to use it, regardless of your emphasis. It is very good for a range where items have a distinct shape, and can save costs. It is very limited where items are fragments and there is not a distinct munition shape. It has the same problems with interference of small metallic items.

Many of your RCRA comments are misplaced. Many intelligent people make the same mistakes. You can look up a part, but you don't really understand RCRA unless you have experience working in it.

On RCRA-

Waste in place is a CERCLA term and not a RCRA term.

Under RCRA, a material has to be a solid waste before it is a hazardous waste. Contaminated soils are not a waste; under RCRA it is considered a "release". That's one reason why LDRs don't apply. The definition is similar to release under CERCLA, where contamination is a release, not waste in place.

When you excavate the release and decide to ship it off a site for disposal, the soil then becomes a waste. (The second reason of when LDRs would apply.) With the Open Burning Ground remediation, which is the same facility under Subpart X, we decided to remove the soil from the site for disposal, and we treated the soil to pass TCLP to dispose of it in a Subtitle D landfill as non-hazardous solid waste. This was a result of the agreement that because there was only a 9 inch soil cover and not an engineered cap (for either Subtitle D or C), DEC wanted soils that failed TCLP to be treated and removed for a soil only cover. The minimum 9 inches was required for ecological risk concerns and had a total concentration in soil basis. I'm sure you recall all that.

Subpart X specifically defines OBOD as "treatment" and not "land disposal". The preamble to the Federal Register discussed extensively OBOD of munitions when EPA promulgated this regulation. As RCRA treatment, RCRA landfill regulations do not apply. Under RCRA, if RCRA landfill regulations do not apply, RCRA Closure requirements for landfills do not apply.

RCRA Closure does apply for Subpart X units, and many of the same requirements can apply (such as groundwater monitoring) under the RCRA Closure plan. As you know we have submitted timely RCRA Closure Plans for all interim units to DEC.

Under RCRA Corrective Action and RCRA Closure, a risk driven remediation is considered clean closure. Risk assessment is an acceptable methodology to assess risks from releases for both RCRA Corrective Action sites and RCRA Closure.

Seneca AD was a large quantity generator and had interim status as a TSDF for three conforming storage areas, a hazardous waste incinerator, and a Miscellaneous Unit. Part of my overall regulatory responsibilities was implementing the 1984 HSWA. We had historical review and limited investigations of past disposals, then looked at RCRA Corrective Action when it was promulgated. This generated the list of Solid Waste Management Units. When we negotiated the FFA, we combined the corrective action program with CERCLA to manage both programs under CERCLA. State RCRA personnel reviewed all documents and the remedial actions were to be managed under CERCLA. The primary document, SWMU Classification Report, was part of this process. The risk driven remediation was acceptable to the state RCRA division. The three Parties follow CERCLA proceed under the FFA.

On the basis of the RCRA discussion above, the statement that "Your FS violates EPA RCRA principles and policies." is inaccurate.

Yes, it is risk AND ARARS; ARAR evaluation is a separate process than the RCRA discussion above, but the applicability of a RCRA regulation as an ARAR depends upon the applicability of the RCRA regulation itself.

The Open Burning Grounds ROD is a precedent for both RCRA Closure under Subpart X and under CERCLA.

Melissa, as NYS is an Authorized state for RCRA and as an equal Party to the FFA, I request DEC's comment on this discussion.

Path Forward-

Noting that there is no EPA guidance on munitions investigations and risk assessment, it appears the summaries of past efforts in the FS is not enough documentation of our field work for the area surrounding the OD hill. This is a separate item from final site remedial action decisions. We can provide this in more detail if that is the next step.

As a suggestion, a more detailed summary on methodology, following the chronological surveys and removals, and then including the documents showing the removals accomplished to date.

Noting your position of no cap, I suggest we focus on the work we have completed to date in the surrounding area.

Respectively,

Randy  
Randy Battaglia, PMP  
Project Manager  
Seneca AD BRAC Environmental Coordinator/Caretaker New York District CENAN-PP-E  
607-869-1523 (desk)

-----Original Message-----

From: Vazquez, Julio [mailto:Vazquez.Julio@epa.gov]  
Sent: Monday, June 13, 2016 1:19 PM  
To: Battaglia, Randy W NAN02 <Randy.W.Battaglia@usace.army.mil>  
Cc: Melissa Sweet (Melissa.Sweet@dec.ny.gov) <Melissa.Sweet@dec.ny.gov>; Swartwout, John (DEC) <john.swartwout@dec.ny.gov>; Mark S Sergott <mss04@health.state.ny.us>; Doss, Amy L HNC <Amy.L.Doss@usace.army.mil>; Badik, Beth <Beth.Badik@parsons.com>; Pocze, Doug <Pocze.Doug@epa.gov>; Roos, Allen D NAN02 <Allen.D.Roos@usace.army.mil>; Briggs, James E CIV USARMY HQDA ACSIM (US) <james.e.briggs2.civ@mail.mil>  
Subject: [EXTERNAL] RE: Classification technology

Randy,

One of my main issues with your FS is that it doesn't comply with RCRA (State and Federal). Under RCRA, you are required to clean-close the unit, not leave waste in place. The waste in place determination comes after a good faith effort has taken place to take care of the contamination, not before, the way your cap alternative proposes. It is not necessarily whether excavation or capping have the same level of protectiveness as you portray in your message. Your FS violates EPA RCRA principles and policies. Unless you acknowledge this small but significant difference, we cannot reach an agreement.

I am the "technical expert" for this project. It is my technical opinion that you have not properly shown/documented the extent of contamination for this unit and the submission of the FS Report was premature.

Although I agree that the technical issues are not unsurmountable, our communication has not been at the level needed to overcome those issues. This is the main reason I asked my management to get involved.

If you are not able to document the extent of contamination to justify the development of alternatives compliant with ARARs (i.e., RCRA), additional investigation efforts are indicated, as you intend to do under the interim measures. However, bear in mind that the workplans EPA reviewed did not mention any efforts beyond the 1000 ft boundary, and that the area between 1000 ft - 2500 ft needs to be investigated or documented as such.

Thank you for you BRAC contact information.

Julio F Vazquez  
Remedial Project Manager  
USEPA Region 2  
Special Projects Branch  
New York

-----Original Message-----

From: Battaglia, Randy W NAN02 [mailto:Randy.W.Battaglia@usace.army.mil]  
Sent: Monday, June 13, 2016 12:08 PM  
To: Vazquez, Julio <Vazquez.Julio@epa.gov>  
Cc: Melissa Sweet (Melissa.Sweet@dec.ny.gov) <Melissa.Sweet@dec.ny.gov>; Swartwout, John (DEC) <john.swartwout@dec.ny.gov>; Mark S Sergott <mss04@health.state.ny.us>; Doss, Amy L HNC <Amy.L.Doss@usace.army.mil>; Badik, Beth <Beth.Badik@parsons.com>; Pocze, Doug <Pocze.Doug@epa.gov>; Roos, Allen D NAN02 <Allen.D.Roos@usace.army.mil>; Briggs, James E CIV USARMY HQDA ACSIM (US) <james.e.briggs2.civ@mail.mil>  
Subject: RE: Classification technology

Julio,

I am the Army's authorized representative as the Seneca BEC for all site issues.

POC information for the Army at the BRAC office that I report to is: James Briggs, Acting Branch Chief, ACSIM DAIM-ODB, 600 Army Pentagon, Washington DC 20310-0600 (Reg Mail), NC3/Taylor Bldg/RM 5104 2530 Crystal Drive, Arlington VA 22201 (FedEX), James.e.briggs2.civ@mail.mil, 703-545-2513 ,Fax 601-0555

Regarding your question "...what are your plans for the FS?..." , we are modifying the contract expecting future comments and another revision.

I think you are really asking for a path forward for the site.

One problem is we are transitioning from a hands-off perspective from EPA to munitions as a COC, for lack of a better word, and also to review of investigations. Where we have submitted workplans for removal actions and then a completion report with the FOST, a more detailed investigation review is to be performed. I think the prior technical work for munitions that is summarized in the FS needs to be reviewed by your MMR technical personnel, which may require a submissions in more detail. As you know there were several SI's that were combined and summarized in the first FS and subsequent revisions.

It appears to me that you have had discussions with very knowledgeable experts, but it does not appear that they have reviewed the site specific, Seneca ODG site data, QA, or methodologies. OBOD grounds can vary greatly in the types of MEC found, as well as the effectiveness of the geophysics methodology used.

More specific to the ODG hill, and noting that you have commented on further characterization and issues with the cap alternative for several years--the position of "you can't get 100% of the munitions" means that excavation provides no increase in protectiveness. The excavation alternative being \$20M+ more then fails on cost effectiveness on this basis. If EPA is willing to consider middle ground or other reasonable alternatives, I have some ideas that may resolve this.

A site visit by geophysicists before reviewing the site data and methodology may facilitate the resolution.

Randy  
Randy Battaglia, PMP  
Project Manager  
Seneca AD BRAC Environmental Coordinator New York District CENAN-PP-E  
607-869-1523 (desk)

-----Original Message-----

From: Vazquez, Julio [mailto:Vazquez.Julio@epa.gov]  
Sent: Friday, June 10, 2016 4:06 PM  
To: Battaglia, Randy W NAN02 <Randy.W.Battaglia@usace.army.mil>  
Cc: Melissa Sweet (Melissa.Sweet@dec.ny.gov) <Melissa.Sweet@dec.ny.gov>; Swartwout, John (DEC) <john.swartwout@dec.ny.gov>; Mark S Sergott <mss04@health.state.ny.us>; Doss, Amy L HNC <Amy.L.Doss@usace.army.mil>; Badik, Beth <Beth.Badik@parsons.com>; Pocze, Doug <Pocze.Doug@epa.gov>  
Subject: [EXTERNAL] RE: Classification technology

Thanks Randy.

I don't have any documentation on efforts beyond the 1000 ft area. I have seen references to the Weston Completion Report, but I have never seen it. If we do not find the documents, we may need to include this area for further characterization. Talking about characterization, what are your plans with the FS? My managers are trying to setup a meeting to discuss our disagreements and path forward, as Commander Representative, whom within the Army (not Corps) do you report to?

Julio F Vazquez  
Remedial Project Manager  
USEPA Region 2  
Special Projects Branch  
New York

-----Original Message-----

From: Battaglia, Randy W NAN02 [mailto:Randy.W.Battaglia@usace.army.mil]  
Sent: Tuesday, May 24, 2016 8:04 AM  
To: Vazquez, Julio <Vazquez.Julio@epa.gov>  
Cc: Melissa Sweet (Melissa.Sweet@dec.ny.gov) <Melissa.Sweet@dec.ny.gov>; Swartwout, John (DEC) <john.swartwout@dec.ny.gov>; Mark S Sergott <mss04@health.state.ny.us>; Doss, Amy L HNC <Amy.L.Doss@usace.army.mil>; Badik, Beth <Beth.Badik@parsons.com>; Pocze, Doug <Pocze.Doug@epa.gov>  
Subject: RE: Classification technology

Julio,  
Thanks for the feedback, and I understand, seeing that there is a lot of evaluation of the geophysical data with the technology.

On documents, I've looked to see which documents were submitted, and I believe the workplans were, but I haven't found yet if the completion reports (such as the Weston work) were submitted or not. Presumably due to the removal action being ongoing, although we submitted removal action workplans for follow on work efforts. It appeared that completion reports for MMR work were submitted with the FOST.

All the previous work is referenced in the FS; if there are documents referenced that you want, let me know.

We will submit a completion report for the Parsons effort for the greater than 1,000 feet after it includes a modification for additional work within 1,000 feet this summer. The additional work will be pending the allowed budget for a modification. We terminated the contract for the final remediation for several reasons. We intend to continue the removals to continue progress on the site.

I'll have to look at the Subpart X to double check to answer accurately the safety arc and NEW questions. It may not say anything about the safety arc. The permit reflected our operations, and I think we included the SOP's in it. The safety arc was determined by the Army safety procedures for NEW, munition, and the type of operation; and the permit application reflected what we did. Offhand it was 2,500 feet, with I believe 500 foot buffer to the installation boundary.

On NEW, a little note on the operations- The net explosive weight was limited by ground shock (shallow bedrock) and noise. The NEW included the munitions being treated and the initiator explosives. Depending on the munitions, detonation cord was used, and C4 blocks were used. An excavation into the hill (above ground level) was made, the munitions and initiators were set up, then covered with soil from the hill. The detonation and soil cover were designed such that the soil would be blown away leaving the "hole". The soil cover was for noise control.

During the 1980's and maybe early 1990's, the process was limited to 50 pounds NEW, and 8 feet of soil cover. In the 1990's, we had a few items needing higher NEW, and I believe it was increased to 100 pounds NEW and 12 feet of cover. (I need to verify the 100 pounds NEW.) The 2,500 foot limit remained the same. The reasons for this were both increased workload (base closure), and there were a few items needing a higher NEW. The specific answers may not be in the permit application, but it may be in other files.

A special note, NYS was an authorized state for RCRA in the 1980's. When Subpart X came out (about 1989), EPA was the lead. There were 3-4 revisions for review, it was almost complete, then NYS was authorized and it transferred to NYS review about 1991. I believe we had one round of comments (c. 1992-1993), then the 1995 base closure was announced. It was agreed with the state that we would continue under interim status until the mission ended, and then use the OBOD only for the remediation. Because of this time frame, the interim status did not limit NEW increases, but the permit application may not reflect the increase in NEW.

Randy  
Randy Battaglia, PMP  
Project Manager  
Seneca AD BRAC Environmental Coordinator/Caretaker New York District CENAN-PP-E  
607-869-1523 (desk)

-----Original Message-----

From: Vazquez, Julio [mailto:Vazquez.Julio@epa.gov]  
Sent: Monday, May 23, 2016 9:41 AM  
To: Battaglia, Randy W NAN02 <Randy.W.Battaglia@usace.army.mil>  
Cc: Melissa Sweet (Melissa.Sweet@dec.ny.gov) <Melissa.Sweet@dec.ny.gov>; Swartwout, John (DEC) <john.swartwout@dec.ny.gov>; Mark S Sergott <mss04@health.state.ny.us>; Doss, Amy L HNC <Amy.L.Doss@usace.army.mil>; Badik, Beth <Beth.Badik@parsons.com>; Pocze, Doug <Pocze.Doug@epa.gov>  
Subject: [EXTERNAL] RE: Classification technology

Randy,

Sorry for my delay on answering. I was on travel last week.

EPA's position is that some kind of LUC would most likely be required at all munitions sites. The level of LUCs would depend on many factors, i.e., items found, former usage of the property, geophysics investigation, removal efforts, among others.

Some of the issues with the advanced geophysical classification techniques is that it is new and complex. There are only a handful of contractors with the capability to deploy these technologies and the initial costs to deploy these technologies are very high. There has to be a very detailed cost analysis to justify the initial investment. Even though EPA is open to the use these technologies, their use needs to be closely coordinated.

Is there a document recording your effort on the greater 1000' radius from the ODG Hill? What was the radius of the safety arc on the interim RCRA permit? What was the largest NEW used at this unit?

Call me if you would like to discuss the above further.

Julio F Vazquez  
Remedial Project Manager  
USEPA Region 2  
Special Projects Branch  
New York

-----Original Message-----

From: Battaglia, Randy W NAN02 [mailto:Randy.W.Battaglia@usace.army.mil]  
Sent: Tuesday, May 10, 2016 7:41 AM  
To: Vazquez, Julio <Vazquez.Julio@epa.gov>  
Cc: Melissa Sweet (Melissa.Sweet@dec.ny.gov) <Melissa.Sweet@dec.ny.gov>; Swartwout, John (DEC) <john.swartwout@dec.ny.gov>; Mark S Sergott <mss04@health.state.ny.us>; Doss, Amy L HNC <Amy.L.Doss@usace.army.mil>; Badik, Beth <Beth.Badik@parsons.com>  
Subject: Classification technology

Julio,

A question, after taking a webinar about the classification technology-

We have completed the field work to date of the area greater than 1,000 feet radius from the ODG hill. We performed standard MEC QAQC, and dug every target that was over 50 mV on Channel 2 with standard EM survey equipment. A COE OE Safety Specialist oversaw and QA's the grids. I expect EPA still would want a LUC on this area, given the lawyers are still discussing the other sites.

For ODG, would EPA agree to Unrestricted Use/Unrestricted Exposure if this area was surveyed with classification technology? Namely, no LUC if cleared with classification?

If not, and the policy is you can't get 100%, therefore a LUC is required, it is understood.

Thanks

Randy

Randy Battaglia, PMP

Project Manager

Seneca AD BRAC Environmental Coordinator/Caretaker New York District CENAN-PP-E

607-869-1523 (desk)